

Mark Frankel
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Presentment Date and Time:
July 21, 2022 10:00 a.m.

Counsel to the Debtors and Debtors in Possession

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re

Chapter 11

203 W 107 Street LLC, *et al*,¹

Case No. 20-12960
Jointly Administered

Debtors.

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NOTICE OF PRESENTMENT

PLEASE TAKE NOTICE, that on July 21, 2021 at 10:00 a.m. the undersigned will present for approval of the Honorable Lisa G. Beckerman, United States Bankruptcy Judge, the attached stipulation and order providing for (a) stay relief for Ricardo A. Perez to proceed in State Court with his personal injury claim to extent of insurance coverage, and (b) a waiver for the Debtors of any claim against the Debtors for recovery in excess of insurance coverage, pursuant to 11 U.S.C. § 362.

PLEASE TAKE FURTHER NOTICE that unless a written objection to the proposed order, with proof of service, is filed with the Clerk of the Court and a courtesy copy is delivered to the Bankruptcy Judge's chambers at least three days before the date of presentment, there will not be a hearing and the order may be signed.

PLEASE TAKE FURTHER NOTICE that if a written objection is timely filed, the Court will notify the moving and objecting parties of the date and time of the hearing and of the moving party's obligation to notify all other parties entitled to receive notice. The moving and objecting parties are required to attend the hearing, and failure to attend in person or by counsel may result in relief being granted or denied upon default.

¹ The Debtors in these chapter 11 cases and the last four digits of each Debtor's taxpayer identification number are as follows: 203 W 107 Street LLC (8429); 210 W 107 Street LLC (3364), 220 W 107 Street LLC (0461), 230 W 107 Street LLC (3686), 124-136 East 117 LLC (6631), 215 East 117 LLC (6961), 231 East 117 LLC (0105), 235 East 117 LLC (8762), 244 East 117 LLC (1142), East 117 Realty LLC (1721) and 1661 PA Realty LLC (5280).

PLEASE TAKE FURTHER NOTICE that the ECF docket number to which the filing relates shall be included in the upper right-hand corner of the caption of all objections.

Dated: New York, New York
July 5, 2022

BACKENROTH FRANKEL & KRINSKY, LLP
Attorneys for the Debtors

By: s/Mark A. Frankel
800 Third Avenue
New York, New York 10022
(212) 593-1100

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
In Re:

Chapter 11
Case No.: 20-12960 (LGB)

203 W 107 Street LLC, et al,

Debtors.
-----X

**STIPULATION TO
LIFT AUTOMATIC
BANKRUPTCY STAY**

WHEREAS, that on December 28, 2020, the Debtors, 203 W 107 Street LLC, et al, including the Debtor, East 117 Realty LLC, filed a voluntary Petition for relief under Chapter 11 of the United States Code (the "Bankruptcy Code"); and

WHEREAS, on or about April 8, 2021, Ricardo A. Perez, as Plaintiff, commenced an action entitled Ricardo A. Perez v. CRP 322 East 117th LLC, CRP 322 East 117th Annex LLC, East 117 Realty LLC and Emerald Equity Group LLC, in the Supreme Court of the State of New York, County of Bronx, under Index Number 804843/2021E (the "State Court Action"), against, among other Defendants, the Debtor, East 117 Realty LLC; and

WHEREAS, pursuant to § 362 of the Bankruptcy Code, any claims against the Debtor, East 117 Realty LLC, in the State Court Action would be automatically stayed; and

WHEREAS, the parties to the State Court Action seek relief from the automatic stay to permit them to pursue their claims against the Debtor, East 117 Realty LLC, solely to the extent of the insurance coverage provided by a policy of commercial general liability insurance with Northfield Insurance Company and/or any other liability insurance carrier, if any; and

NOW, THEREFORE IT IS HEREBY STIPULATED AND AGREED, by and among the undersigned counsel to the Debtor, East 117 Realty LLC, and counsel to Ricardo A. Perez, and the additional Defendants, if any, as follows:

1. The automatic stay provided for by § 362 of the Bankruptcy Code be, and it hereby is, modified for the sole and limited purpose of permitting Ricardo A. Perez (hereinafter "the Parties") to

pursue the Debtor, East 117 Realty LLC, in the State Court Action as a Defendant only with respect to, and to the extent of, the insurance coverage maintained by the Debtor, East 117 Realty LLC, and issued by Northfield Insurance Company and/or any other liability insurance carrier, if any.

2. The Parties hereby expressly waive, withdraw and agree not to assert any and all claims they have or may have against the Estates if the Debtors, 203 W 107 Street LLC, 210 W 107 Street LLC, 220 W 107 Street LLC, 230 W 107 Street LLC, 124-136 East 117 LLC, 215 East 117 LLC, 231 East 117 LLC, 235 East 117 LLC, 244 East 117 LLC, East 117 Realty LLC and 1661 PA Realty LLC, arising from or related to the claims which are the subject of the State Court Action.

3. This Stipulation shall not serve or operate as a waiver or modification of the automatic stay for any purpose other than the express limited purpose set forth herein, nor shall this Stipulation act as a waiver or modification of any rights of the Parties hereto, which rights are expressly reserved.

4. The Debtor, East 117 Realty LLC, makes no representations concerning the existence or amount of insurance coverage provided to the Debtor by Northfield Insurance Company or any other liability insurance carrier, nor concerning the ability or entitlement of any party to recover damages from Northfield Insurance Company or any other liability insurance carrier.

5. This Stipulation may not be modified or terminated except in writing, and only if approved by the United States Bankruptcy Court for the Southern District of New York.

6. This Stipulation shall have no force or effect unless it is "so ordered" by the United States Bankruptcy Court for the Southern District of New York.

7. This Stipulation may be executed in multiple counterparts, each of which, when taken together, shall be deemed an original.

Dated: New York, New York
July 1, 2022, 2022

BACKENROTH FRANKEL & KRINSKY, LLP
Attorneys for Debtors
EAST 117 REALTY LLC, et al.

Mark Frankel

By: Mark Frankel, Esq.
800 Third Avenue
New York, New York 10022
(212) 593-1100

Dated: Garden City, New York
June 21, 2022

SACKSTEIN SACKSTEIN & LEE, LLP
Attorneys for Plaintiff (in State Court Action)
RICARDO A. PEREZ

Mark J. DeCicco

By: Mark J. DeCicco, Esq.
1140 Franklin Avenue, Suite 210
Garden City, New York 11530
(516) 248-2234

Dated: White Plains, New York
June 30, 2022

LAW OFFICE OF THOMAS K. MOORE
Attorneys for Defendant (in State Court Action)
EAST 117 REALTY LLC

Nick Migliaccio

By: Nick Migliaccio, Esq.
701 Westchester Avenue – Suite 101W
White Plains, New York 10604
(914) 285-8521
File No.: 2021067406

SO ORDERED: _____
United States Bankruptcy Judge